

# Montana State Legislature

**2015 SESSION**

## **ADDITIONAL DOCUMENTS**

**Business Page**

**[Signed by Chairman]**

**Roll Call**

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**\*Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

**\*Witness Statements that were not presented as exhibits.**

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**2015 Legislative**

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**BUSINESS REPORT**

**MONTANA SENATE  
64th LEGISLATURE - REGULAR SESSION**

**SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

**Date:** Tuesday, February 17, 2015  
**Place:** Capitol

**Time:** 8:00 AM  
**Room:** 422

**BILLS and RESOLUTIONS HEARD:**

HB 299 - Revise workers' compensation claim penalty laws - Rep. Mark Noland

SB 270 - Exempt seasonal entities from minimum wage - Sen. Janna Taylor

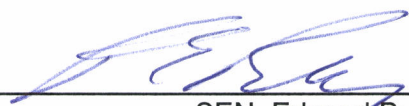
SB 271 - Designating state auditor investigators as peace officers - Sen. Diane Sands

SB 288 - Medical recovery of work comp payment from at-fault parties - Sen. Bruce Tutvedt

**EXECUTIVE ACTION TAKEN:**

SB 66, SB 259, SB 280, SB 281 Do Pass As Amended  
HB 78 Be Concurred In As Amended  
HB 126 Be Concurred In  
SB 254 Tied

**Comments:**

  
\_\_\_\_\_  
SEN. Edward Buttrey, Chair

**BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE**

DATE: Feb. 17, 2015

[illegible]





## SENATE STANDING COMMITTEE REPORT

February 17, 2015

Page 1 of 7

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 66**

(first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Edward Buttrely, Chair*

**And, that such amendments read:**

1. Title, page 1, line 6.

**Following:** "CONTROL ACT;"

**Strike:** "DEFINING "ELECTRONIC SMOKING DEVICE";"

2. Title, page 1, line 7.

**Following:** "AMENDING"

**Strike:** "SECTION"

**Insert:** "SECTIONS 16-11-122,"

3. Title, page 1, line 7.

**Following:** "16-11-302,"

**Insert:** "16-11-303, 16-11-304, 16-11-305, 16-11-306, 16-11-308,  
16-11-309, 16-11-310, AND 45-5-637,"

4. Title, page 1, line 7.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

5. Page 1, line 10.

**Following:** line 9

**Insert:** "**Section 1.** Section 16-11-122, MCA, is amended to read:

"**16-11-122. License fees -- renewal.** (1) Each application for a wholesaler's license or a tobacco product vendor's license must be accompanied by a fee of \$50.

(2) Each application for a subjobber's license must be accompanied by a fee of \$50.

**Committee Vote:**

**Yes 10, No 0**

Fiscal Note Required ☐



(3) Each application for a retailer's license must be accompanied by a fee of \$5.

(4) Each application for a license to sell either alternative nicotine products or vapor products must be accompanied by a fee of \$5.

~~(4)~~(5) The fees for the licenses in subsections (2) and (3) may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party.

~~(5)~~(6) These licenses must be renewed annually on or before the anniversary date established by rule by the board of review established in 30-16-302 and upon payment of the annual fee are effective for 1 year, without proration, and are not transferable.""

**Renumber:** subsequent sections

6. Page 1, line 14.

**Following:** line 13

**Insert:** "(1) "Alternative nicotine product" means any manufactured noncombustible product containing nicotine derived from tobacco that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. The term does not include a tobacco product, a vapor product, or a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

**Renumber:** subsequent subsections

7. Page 1, line 19 through line 25.

**Strike:** subsection (2) in its entirety

8. Page 2, line 4.

**Strike:** "or nicotine that can be ingested into the body by chewing, absorbing, dissolving, or any other means"

9. Page 2, line 5.

**Following:** "cigars,"

**Strike:** "an electronic smoking device,"

10. Page 2, line 5 through 7.

**Following:** "smokeless tobacco."

**Strike:** remainder of line 5 through "Act." line 7

**Insert:** "The term does not include an alternative nicotine product, a vapor product, or a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

11. Page 2, line 8.

**Insert:** "(7) "Vapor product" means a noncombustible product that may contain nicotine and that uses a heating element, power

source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

**Insert: "Section 3.** Section 16-11-303, MCA, is amended to read:

**"16-11-303. License for retail sale of tobacco products -- alternative nicotine products -- vapor products.** (1) A person may not sell tobacco products, alternative nicotine products, or vapor products at retail, whether over the counter, by vending machine, or otherwise, without a license obtained from the department of revenue.

(2) A license for the retail sale of tobacco products, alternative nicotine products, or vapor products may be obtained from the department of revenue.

(3) The fee collected by the department must be deposited in the general fund.""

**Insert: "Section 4.** Section 16-11-304, MCA, is amended to read:

**"16-11-304. Signs.** A retail seller of tobacco products, alternative nicotine products, or vapor products shall conspicuously display, at each place on the premises at which tobacco products, alternative nicotine products, or vapor products are displayed and sold, a sign that is to be provided without charge by the department of revenue that states: "Montana law prohibits the sale of tobacco products, alternative nicotine products, and vapor products to persons under 18 years of age.""

**Insert: "Section 5.** Section 16-11-305, MCA, is amended to read:

**"16-11-305. Sale or distribution of tobacco products, alternative nicotine products, or vapor products to persons under 18 years of age prohibited.** (1) A person may not sell or distribute a tobacco product, alternative nicotine product, or vapor product to an individual under 18 years of age, whether over the counter, by vending machine, or otherwise.

(2) If there is a reasonable doubt as to the individual's age, the seller shall require presentation of a driver's license or other generally accepted identification that includes a picture of the individual.""

**Insert: "Section 6.** Section 16-11-306, MCA, is amended to read:



**"16-11-306. Sales of tobacco, alternative nicotine products, or vapor products through vending machines restricted.**

(1) Tobacco products, alternative nicotine products, and vapor products may be sold through a vending machine only in places where alcoholic beverages are sold and consumed on the premises and where the vending machine is under the direct line-of-sight supervision of the owner or an employee of the establishment. The tobacco products, alternative nicotine products, or vapor products must be in a vending machine that contains only tobacco products, alternative nicotine products, or vapor products.

(2) Tobacco products, alternative nicotine products, or vapor products may not be sold through a vending machine that is located in a restaurant unless the restaurant has a bar, the restaurant area shares seating with the bar area, and the vending machine meets the requirements of subsection (1).

(3) The sale of tobacco products, alternative nicotine products, or vapor products from a vending machine under the direct line-of-sight supervision of an owner or employee is considered a sale of tobacco products, alternative nicotine products, or vapor products by the owner or employee for the purposes of 16-11-305."

**Insert: "Section 7. Section 16-11-308, MCA, is amended to read:**

**"16-11-308. Civil penalties -- license suspension -- tobacco education fee.** (1) Failure to obtain a license, as required by 16-11-303, failure to post signs, as provided in 16-11-304, or the manufacture or sale of cigarettes or rolling tobacco in violation of the minimum package size requirements of 16-11-111 or 16-11-307 is punishable by a civil penalty of \$100. The department may collect the penalty in the manner provided for the collection of other debts.

(2) A person who violates 16-11-305(1) or 16-11-307(1) at any one location within a 3-year period shall be punished as follows:

(a) A first through third offense is punishable by a verbal notification of violation.

(b) A fourth offense is punishable by a written notice of violation to be sent by the department of public health and human services to the owner of the establishment.

(c) A fifth offense is punishable by assessment against the owner of the establishment of a tobacco education fee of \$500. The employee or other person who sold the tobacco product, alternative nicotine product, or vapor product, the establishment manager, and the establishment owner, if the owner is a sole proprietor or partner, shall read and view the tobacco education material.

(d) A sixth offense under 16-11-305(1) or 16-11-307(1) or a third offense under 16-11-307(2) is punishable by suspension of the licenses required by 16-11-120 and 16-11-303 for 3 months.

(e) A seventh and subsequent offense under 16-11-305(1) or



16-11-307(1) or a fourth and subsequent offense under 16-11-307(2) is punishable by suspension of the licenses required by 16-11-120 and 16-11-303 for 1 year.

(3) After 2 years from the first violation, if a person has not received notice of any further violations, a second violation is considered a first violation for the purposes of subsection (2).

(4) A license may not be reissued after suspension under subsection (2)(d) or (2)(e) unless tobacco education fees or civil penalties are paid in full.

(5) Tobacco education fees must be assessed and collected by the department of public health and human services. Notice of an assessment pursuant to subsection (2) and this subsection must be made by the department of public health and human services within 30 days of the alleged violation by certified letter addressed to the establishment owner or manager. The notice of assessment against the owner of the establishment must provide an opportunity for a hearing. The hearing may be conducted using electronic equipment and must comply with the provisions of the Montana Administrative Procedure Act. Within 30 days from the date on which the notice of assessment was mailed, the owner or manager shall notify the department of public health and human services that the owner or manager objects to the assessment and request a hearing pursuant to this subsection.

(6) In addition to the penalty provided for in subsection (2), a first and subsequent violation of 16-11-305(1) or 16-11-307(1) is punishable by an assessment of a tobacco education fee of \$25 against the employee who sold the tobacco product, alternative nicotine product, or vapor product, if the employee is not the owner of the establishment. The tobacco education fee must be assessed and collected by the department of public health and human services. Within 30 days of the alleged violation, notice of assessment pursuant to this subsection must be made by the department of public health and human services by certified letter addressed to the employee. The notice of assessment must provide an opportunity for a hearing. The hearing may be conducted using electronic equipment and must comply with the provisions of the Montana Administrative Procedure Act. Within 30 days from the date on which the notice of assessment was mailed, the employee shall notify the department of public health and human services that the employee objects to the assessment and requests a hearing pursuant to this subsection.

(7) The tobacco education material referred to in this section must be provided by the department of public health and human services in the form of written and video self-teaching materials. The education materials may be used only for the purposes provided in this section. Upon completion of the self-teaching materials, the establishment owner or manager shall execute a written statement on a form provided by the department of public health and human services verifying that the employee, owner, or manager, as appropriate, has read and viewed the

self-teaching material and shall return the statement and the self-teaching video to the department of public health and human services.

(8) Upon the sixth and subsequent violation of this section, the department of public health and human services shall notify the department of revenue in writing to initiate suspension of the licenses required by 16-11-120 and 16-11-303 and shall notify the licensee in writing of the alleged violation and of the referral of the licensee's record of violations to the department of revenue for suspension of the licenses pursuant to 16-11-144 and this section. The department of revenue shall review the record of violations and may initiate license suspension proceedings in accordance with 16-11-144. If, upon a review of the record of violations, the department of revenue declines to initiate suspension proceedings, the violation may not be charged against the licensee for the purposes of this section.

(9) Fees assessed pursuant to this section must be deposited in the state general fund."

**Insert: "Section 8.** Section 16-11-309, MCA, is amended to read:

**"16-11-309. Inspection and notification of violation required.** (1) The department of public health and human services shall conduct inspections of persons selling or distributing tobacco products, alternative nicotine products, or vapor products to determine compliance with 16-11-303, 16-11-304, 16-11-305(1), 16-11-306, and 16-11-307. Inspections may be conducted directly by the department of public health and human services or may be provided for by contract let by the department of public health and human services. Persons found to be in violation of the requirements of this part or the rules of the department of public health and human services a fourth and subsequent time must be notified in writing by the department of public health and human services of the facts of the violation and the penalties provided by this part.

(2) The department of public health and human services shall provide documentation of alleged violations of 16-11-303, 16-11-305, and 16-11-307 to the department of revenue."

**Insert: "Section 9.** Section 16-11-310, MCA, is amended to read:

**"16-11-310. Minors not liable for possession or attempt to purchase.** An individual under 18 years of age assisting in the enforcement of this part is not liable under a civil or criminal law for the possession of or the attempt to purchase a tobacco product, alternative nicotine product, or vapor product for the purposes of enforcing this part."

**Insert: "Section 10.** Section 45-5-637, MCA, is amended to read:

**"45-5-637. Tobacco possession Possession or consumption of tobacco products, alternative nicotine products, or vapor**



products by persons under 18 years of age prohibited -- unlawful attempt to purchase -- penalties. (1) A person under 18 years of age who knowingly possesses or consumes a tobacco product, alternative nicotine product, or vapor product, as defined in 16-11-302, commits the offense of possession or consumption of a tobacco product, alternative nicotine product, or vapor product.

(2) A person convicted of possession or consumption of a tobacco product, alternative nicotine product, or vapor product:

(a) shall be fined \$50 for a first offense, no less than \$75 or more than \$100 for a second offense, and no less than \$100 or more than \$250 for a third or subsequent offense; or

(b) may be adjudicated on a petition alleging the person to be a youth in need of intervention under the provisions of the Montana Youth Court Act provided for in Title 41, chapter 5.

(3) A person convicted of possession or consumption of a tobacco product, alternative nicotine product, or vapor product may also be required to perform community service or to attend a tobacco cessation program.

(4) A person under 18 years of age commits the offense of attempt to purchase a tobacco product, alternative nicotine product, or vapor product if the person knowingly attempts to purchase a tobacco product, alternative nicotine product, or vapor product as defined in 16-11-302. A person convicted of attempt to purchase a tobacco product, alternative nicotine product, or vapor product:

(a) for a first offense, shall be fined \$50 and may be ordered to perform community service;

(b) for a second or subsequent offense, shall be fined an amount not to exceed \$100 and may be ordered to perform community service.

(5) The fines collected under subsections (2) and (4) must be deposited to the credit of the general fund of the local government that employs the arresting officer, or if the arresting officer is an officer of the highway patrol, the fines must be credited to the county general fund in the county in which the arrest was made.""

**Renumber:** subsequent sections

12. Page 2, line 9.

**Strike:** "on passage and approval"

**Insert:** "January 1, 2016"

- END -





## SENATE STANDING COMMITTEE REPORT

February 17, 2015

Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **House Bill 78**  
(third reading copy -- blue) **be concurred in as amended.**

Signed: \_\_\_\_\_

*Senator Edward Buttrely, Chair*

To be carried by Senator Tom Facey

**And, that such amendments read:**

1. Page 3, line 6.

**Following:** "favorable rate tier,"

**Strike:** "deny a claim, or"

2. Page 3, line 7.

**Following:** "provide a benefit"

**Insert:** ", or deny a claim"

- END -

**Committee Vote:**

**Yes 8, No 2**

Fiscal Note Required ☐

HB0078001SC12553.spt



## SENATE STANDING COMMITTEE REPORT

February 17, 2015

Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **House Bill 126** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Senator Edward Buttrely, Chair*

To be carried by Senator Cliff Larsen

- END -

**Committee Vote:**

**Yes 10, No 0**

Fiscal Note Required   X  

HB0126001SC13681.spt



## SENATE STANDING COMMITTEE REPORT

February 17, 2015

Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 259** (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Senator Edward Buttrey, Chair*

**And, that such amendments read:**

1. Page 2, line 17.

**Strike:** "5%"

**Insert:** "4%"

- END -

**Committee Vote:**

**Yes 10, No 0**

Fiscal Note Required   X  

SB0259001SC.spt





## SENATE STANDING COMMITTEE REPORT

February 17, 2015  
Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 280** (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Senator Edward Buttrely, Chair*

**And, that such amendments read:**

1. Page 1, line 24.

**Insert:** "(3) This section does not affect remedies available under Title 30, chapter 14."

- END -

**Committee Vote:**

**Yes 6, No 4**

Fiscal Note Required ☐

SB0280001SC.spt



## SENATE STANDING COMMITTEE REPORT

February 17, 2015

Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 281** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Edward Buttrely, Chair*

**And, that such amendments read:**

1. Title, page 1, line 5.

**Strike:** "EXEMPT A REGULATED LENDER AND"

2. Title, page 1, line 5 through line 6.

**Strike:** "SECTIONS 30-14-102 AND"

**Insert:** "SECTION"

3. Page 1, line 10 through page 2, line 14.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

- END -

**Committee Vote:**

**Yes 6, No 4**

**Fiscal Note Required** \_\_\_


SB0281001SC.spt

## BILL VOTE TIED - REMAINS IN COMMITTEE

### SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

The vote in **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** for bill **SB 254 - Generally revise laws related to Montana State Fund - Sen. Jim Keane** was tied on **Tuesday, February 17, 2015** and the bill remains in committee. (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(For the Secretary of the Senate)  
3:50p 2/17  
(Time) (Date)

February 17, 2015 (3:26pm)

Linda Keim, Secretary

Phone: 444-4315



**MONTANA STATE SENATE**  
**Roll Call Vote**  
**BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

DATE 2-17-15 BILL NO HB78 MOTION NO. BCIAA  
MOTION: \_\_\_\_\_

8-2

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR ELSIE ARNTZEN	✓		
SENATOR DEE BROWN		✓	
SENATOR PAT CONNELL	✓		
SENATOR TOM FACEY	✓		
SENATOR CARY SMITH	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR GORDON VANCE	✓		✓
SENATOR GENE VUCKOVICH	✓		
SENATOR LEA WHITFORD	✓		
CHAIRMAN ED BUTTREY	✓		

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

MOTION: \_\_\_\_\_

[illegible]

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

DATE 2.17.15 BILL NO SB 254 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

*5-4 Sub motion delay until Fri*

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR ELSIE ARNTZEN		✓	
SENATOR DEE BROWN	✓		
SENATOR PAT CONNELL		✓	
SENATOR TOM FACEY	✓		
SENATOR CARY SMITH		✓	
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR GORDON VANCE			
SENATOR GENE VUCKOVICH	✓		
SENATOR LEA WHITFORD	✓		
CHAIRMAN ED BUTTREY		✓	



**MONTANA STATE SENATE**  
**Roll Call Vote**  
**BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

DATE 2.17.15 BILL NO SB559 MOTION NO. amend  
MOTION: \_\_\_\_\_

DPs

7-3

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR ELSIE ARNTZEN	✓		
SENATOR DEE BROWN	✓		
SENATOR PAT CONNELL		✓	
SENATOR TOM FACEY	✓	✓	
SENATOR CARY SMITH	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR GORDON VANCE	✓		<u>pr</u>
SENATOR GENE VUCKOVICH	✓		
SENATOR LEA WHITFORD	✓		
CHAIRMAN ED BUTTREY		✓	



**MONTANA STATE SENATE**  
**Roll Call Vote**  
**BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

DATE 2-17-15 BILL NO SB280 MOTION NO. DPAA  
 MOTION: \_\_\_\_\_

6-4

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR ELSIE ARNTZEN	✓		
SENATOR DEE BROWN	✓		
SENATOR PAT CONNELL	✓		
SENATOR TOM FACEY		✓	
SENATOR CARY SMITH	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR GORDON VANCE	✓		pr
SENATOR GENE VUCKOVICH		✓	
SENATOR LEA WHITFORD		✓	
CHAIRMAN ED BUTTREY	✓		

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

DATE 2-17-15 BILL NO. SB 281 MOTION NO. DPA A  
 MOTION: \_\_\_\_\_

6-4

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR ELSIE ARNTZEN	✓		
SENATOR DEE BROWN	✓		
SENATOR PAT CONNELL	✓		
SENATOR TOM FACEY		✓	
SENATOR CARY SMITH	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR GORDON VANCE	✓		pr
SENATOR GENE VUCKOVICH		✓	
SENATOR LEA WHITFORD		✓	
CHAIRMAN ED BUTTREY	✓		



# SENATE PROXY

I, Senator Boruch Lerner, hereby authorize Senator Cory Smith to vote my proxy before the Senate Business Labor meeting held on 2/17, 2015.

Senator Signature

Date

Said authorization is as follows: (mark only one)

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
SB 66 <sup>yes on</sup> Bill + Amend	Y	
SB 254	Y	
SB 259	<del>Y</del>	<del>Y</del>
SB 280	Y	
SB 281	Y	
HB 78	Y	
HB 126	Y	
SB 66 Amendment 6001	Y	
HB 78 Amendment 7801	Y	
SB 259 01 Amendment	Y	
SB 280 01 Amendment	Y	
SB 281 01 Amendment	Y	

and Amendment



**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

Tuesday, February 17, 2015

SB 288 - Medical recovery of work comp payment from at-fault parties

Sponsor: Sen. Bruce Tutvedt

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bob Worthington	PIFA	X		
Dick MARTIN	FAIRCCAM		X	
Oliver Goe	BKBN	X		
Al Smith	MT LA		X	
MARK STROLES	PLUM CREEK	X		
Alan Hulse		X		
Reguline Denmark	AIA	X		
Glen Oppel	MT Chamber	X		
Ron PIKE	SIME Const.	X		
Dustin Stewart	MBIA	X		
Julia Altamus	MT Wood Products	X		
Steve Wade	MT Contractors Camp Fund	X		
Dwight Easton	Farmers Ins	X		
Spunk Strong	mem	X		
Ben Egan	PCT	X		
Gary Wiens	MECA (MT Elec. Co-ops)	X		
Cary Hegreberg	CONTRACTORS	X		
Kevin Brown	MT State Fund			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

③

## SB 270 - Exempt seasonal entities from minimum wage

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



**SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

4

**Sponsor: Rep. Mark Noland**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



**SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE**

Sponsor: **Sen. Diane Sands**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

Date: 2-17-15Bill No. SB270

Senator Edward Buttrey, Chair  
Senate Business, Labor and Economic Affairs Committee

Dear Senator Buttrey and Committee members:

This letter is in support of SB No. 270, A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN SEASONAL ESTABLISHMENTS FROM MINIMUM WAGE REQUIREMENTS; AND AMENDING SECTION 39-3-406, MCA." Introduced by Senator Jana Taylor.

As a Montana resident for thirty five years and the Executive Director of Flathead Lutheran Camp in Lakeside for 31 years I encourage the Senate Business, Labor, and Economic Affairs Committee to support SB 270 and move it to the Senate floor. In short, passage of this Bill by the Legislature will positively affect the ability of all of Montana's non-profit children's camps and retreat centers to operate in the future. Non passage will severely restrict their future.

The main points in passage of SB 270 are:

1. It should be revenue neutral because there is no fiscal flag attached to it.
2. It contains the same language as the Federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 213. (Exemptions.)
3. It will only affect those camps, retreat centers and other entities described in the Federal Act in point 2 above.
4. It is proactive in averting an extremely serious crisis in Montana children's camps and retreat centers having to pay minimum wage for their seasonal staff.
5. It will positively affect over 45 children and young adult camps in Montana, who work with thousands of young people each year.
6. Over 30 other States have already included the same exemption language from the Federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 213 (Exemptions.) in their State Codes.

Montana is fortunate to have many camps and retreat centers who work with young people: Boy and Girl Scout camps, 4H camps, Church Camps, Sports Camps, YMCA Camps and School Camps. All of these camps are interested in the well-being of our children and young people. Most hire seasonal staff who teach and promote values, ethics, skills, leadership, teamwork and sportsmanship. These seasonal staff become positive role models for our young Montanans.

Speaking from experience in non-profit children's camping in Montana, I encourage you to pass SB 270 and move it to the Senate floor. It will make a difference for the future of Montana's children.

Thank you for your consideration,

Gary Cockrell,  
Kalispell, Montana

[gwmontana@gmail.com](mailto:gwmontana@gmail.com)

406-885-6575



Keim, Linda

Date: 2-17-15  
Bill No. SB 270

**From:** Walker, Jameson  
**Sent:** Tuesday, February 17, 2015 9:42 AM  
**To:** Keim, Linda; Brown, Dee (Sen); 'Sen. Edward Buttrey'; 'Sen. Elsie Arntzen'; 'Sen. Gordon Vance'; 'Sen. Pat Connell'; 'Sen. Tom Facey'; Smith, Cary (Sen); Stewart-Peregoy, Sharon (Sen); Vuckovich, Gene (Sen); Whitford, Lea (Sen)  
**Subject:** SB270

Greetings,

Attached is a federal regulation implementing 29 U.S.C. 213:

29 C.F.R. § 779.385. May qualify as exempt establishments.

An amusement or recreational establishment operating on a seasonal basis may qualify as an exempt establishment under section 13(a)(3) of the Act, added by the 1966 amendments, even if it does not meet all the requirements of the 13(a)(2) exemption. Section 13(a)(3) exempts from the minimum wage and overtime pay requirements of the Act "any employee employed by an establishment which is an amusement or recreational establishment, if (a) it does not operate for more than seven months in any calendar year or (b) during the preceding calendar year, its average receipts for any 6 months of the year were not more than 33 1/3 percentum of its average receipts for the other 6 months of such year". "Amusement or recreational establishments" as used in section 13(a)(3) are establishments frequented by the public for its amusement or recreation and which are open for 7 months or less a year or which meet the seasonal receipts test provided in clause (B) of the exemption. Typical examples of such are the concessionaires at amusement parks and beaches. (S. Rept. 145, 87th Cong., first session, p. 28; H. Rept. 75, 87th Cong., 1st Sess., p. 10.)

Thank you,

Jim

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**From:** Walker, Jameson  
**Sent:** Tuesday, February 17, 2015 9:30 AM  
**To:** Keim, Linda; Brown, Dee (Sen); 'Sen. Edward Buttrey'; 'Sen. Elsie Arntzen'; 'Sen. Gordon Vance'; 'Sen. Pat Connell'; 'Sen. Tom Facey'; Smith, Cary (Sen); Stewart-Peregoy, Sharon (Sen); Vuckovich, Gene (Sen); Whitford, Lea (Sen)  
**Subject:** RE: SB208 (Insurance Credit)



Good Morning All,

Senator Facey asked for the federal definition of seasonal establishment. This is the salient portion of the federal Fair Labor Standards Act of 1938 (29 U.S.C. 213):

29 U.S.C. Section 213

(a) Minimum wage and maximum hour requirements

The provisions of sections 206 (except subsection (d) in the case of paragraph (1) of this subsection) and 207 of this title shall not apply with respect to—

[...]

(3) any employee employed by an establishment which is an amusement or recreational establishment, organized camp, or religious or non-profit educational conference center, if

(A) it does not operate for more than seven months in any calendar year, or

(B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3 per centum of its average receipts for the other six months of such year, except that the exemption from sections 206 and 207 of this title provided by this paragraph does not apply with respect to any employee of a private entity engaged in providing services or facilities (other than, in the case of the exemption from section 206 of this title, a private entity engaged in providing services and facilities directly related to skiing) in a national park or a national forest, or on land in the National Wildlife Refuge System, under a contract with the Secretary of the Interior or the Secretary of Agriculture;

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**From:** Walker, Jameson

**Sent:** Wednesday, February 11, 2015 9:17 AM

**To:** Keim, Linda; Brown, Dee (Sen); 'Sen. Edward Buttrey'; 'Sen. Elsie Arntzen'; 'Sen. Gordon Vance'; 'Sen. Pat Connell'; 'Sen. Tom Facey'; Smith, Cary (Sen); Stewart-Peregoy, Sharon (Sen); Vuckovich, Gene (Sen); Whitford, Lea (Sen)

**Subject:** SB208 (Insurance Credit)

Good Morning All,

I copied and pasted the Montana Use of Credit Information in Personal Insurance Act. It is attached below my signature line. Feel free to contact me or stop by if you want additional information.

Thank you,

Jim

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<< File: MTCreditAct.docx >>